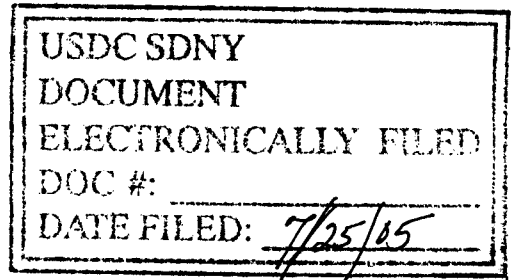


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
MARIE - CLAIRE NIVELLE,

Plaintiff(s),

05 Civ 985 (RJH) (DFE)

- against -

ORDER OF DISCONTINUANCE


*PRUDENTIAL FINANCIAL, INC.
and PRUDENTIAL INSURANCE CO. OF AMERICA,*

Defendant(s).
-----x

The parties having reached a resolution of this action, and the parties having agreed to this order, and the parties having consented to Magistrate Judge Eaton's jurisdiction for the limited purpose of entering this order,

IT IS HEREBY ORDERED that the above-captioned action be, and the same hereby is, discontinued with prejudice but without costs; provided, however, that on or before September 26, 2005 the plaintiff may apply to Magistrate Judge Eaton by letter (by fax and by mail) for restoration of the action to the calendar if the settlement is not effected, in which event the action will be restored to the calendar of the District Judge.

SO ORDERED.



DOUGLAS F. EATON
United States Magistrate Judge

Dated: New York, New York

July 25, 2005